

BEFORE THE
TENNESSEE REGULATORY AUTHORITY

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In Re:

Petition for Arbitration of ITC^DeltaCom
Communications, Inc. with BellSouth -
Telecommunications, Inc. Pursuant to the
Telecommunications Act of 1996

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T.R.A. DOCKET ROOM

Docket No. 03-00119

**ITC^DELTA COM COMMUNICATIONS, INC.'S OBJECTIONS
TO BELL SOUTH'S FIRST INTERROGATORIES AND
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

ITC^DeltaCom Communications, Inc. ("ITC^DeltaCom") hereby submits the following objections to the First Interrogatories and First Request for Production of Documents of BellSouth Telecommunications, Inc. ("BellSouth") filed in this docket on June 12, 2003.

GENERAL OBJECTIONS

ITC^DeltaCom makes the following general objections:

1. ITC^DeltaCom objects to BellSouth's First Interrogatories and First Request for Production of Documents to the extent they seek to impose obligations beyond the requirements of Tennessee law.
2. ITC^DeltaCom objects to BellSouth's First Interrogatories and First Request for Production of Documents to the extent that they call for information that is exempt from discovery by virtue of the attorney-client privilege, the work product doctrine, or other applicable privilege.
3. ITC^DeltaCom objects to BellSouth's First Interrogatories and First Request for Production of Documents to the extent that they seek information that is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

4. ITC^DeltaCom objects to BellSouth's First Interrogatories and First Request for Production of Documents to the extent that they are overly broad and unduly burdensome.

SPECIFIC OBJECTIONS

In the interest of space, ITC^DeltaCom will not restate the full text of the interrogatories or document requests herein but will state its objections by reference to Interrogatory or Document Request number. ITC^DeltaCom will restate the full text of BellSouth's discovery in its responses, which are due at a later date.

In addition to its general objections stated above, ITC^DeltaCom objects to BellSouth's specific Interrogatories and Document Requests as follows:

Interrogatory Number 1

ITC^DeltaCom objects to this Interrogatory including all subparts on the ground that it seeks information regarding Issue No. 39 (tandem switching), which has been settled by the parties. ITC^DeltaCom further objects on the grounds that this Interrogatory is unduly burdensome and seeks information that is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory Number 2

ITC^DeltaCom objects to this Interrogatory including all subparts on the ground that it seeks information regarding Issue No. 39 (tandem switching), which has been settled by the parties. ITC^DeltaCom further objects on the grounds that this Interrogatory is unduly burdensome and seeks information that is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Regarding subpart (b), ITC^DeltaCom further objects to the extent that ITC^DeltaCom does not have the information sought in the manner requested.

Interrogatory Number 3

ITC^DeltaCom objects to this Interrogatory on the ground that it seeks information regarding Issue No. 39 (tandem switching), which has been settled by the parties. ITC^DeltaCom further objects on the grounds that this Interrogatory is unduly burdensome and seeks information that is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory Number 4

ITC^DeltaCom objects to this Interrogatory on the ground that it seeks information regarding Issue No. 39 (tandem switching), which has been settled by the parties. ITC^DeltaCom further objects on the grounds that this Interrogatory is unduly burdensome and seeks information that is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory Number 5

ITC^DeltaCom objects to this Interrogatory on the ground that it seeks information regarding Issue No. 39 (tandem switching), which has been settled by the parties. ITC^DeltaCom further objects on the grounds that this Interrogatory is unduly burdensome and seeks information that is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory Number 6

ITC^DeltaCom objects to this Interrogatory on the ground that it seeks information regarding Issue No. 39 (tandem switching), which has been settled by the parties. ITC^DeltaCom further objects on the grounds that this Interrogatory is unduly burdensome and

seeks information that is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory Number 7

ITC^DeltaCom objects to this Interrogatory on the ground that it seeks information regarding Issue No. 39 (tandem switching), which has been settled by the parties.

ITC^DeltaCom further objects on the grounds that this Interrogatory is unduly burdensome, seeks information that is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence, and seeks highly confidential and proprietary information that cannot be adequately protected by a confidentiality agreement between the parties.

Interrogatory Number 8

ITC^DeltaCom objects to this Interrogatory on the ground that it seeks information regarding Issue No. 39 (tandem switching), which has been settled by the parties.

ITC^DeltaCom further objects on the grounds that this Interrogatory is unduly burdensome, seeks information that is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence, and seeks highly confidential and proprietary information that cannot be adequately protected by a confidentiality agreement between the parties.

Interrogatory Number 9

ITC^DeltaCom objects on the grounds that this Interrogatory is unduly burdensome, seeks information that is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence, and seeks highly confidential and

proprietary information that cannot be adequately protected by a confidentiality agreement between the parties. ITC^DeltaCom further objects on the ground that it does not have the information sought in the format requested. ITC^DeltaCom does not maintain access line counts by zone.

Interrogatory Number 10

ITC^DeltaCom objects on the grounds that this Interrogatory is unduly burdensome, seeks information that is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence, and seeks highly confidential and proprietary information that cannot be adequately protected by a confidentiality agreement between the parties. ITC^DeltaCom further objects on the ground that it does not have the information sought in the format requested. ITC^DeltaCom does not maintain access line counts by zone.

Interrogatory Number 11

ITC^DeltaCom objects on the grounds that this Interrogatory is unduly burdensome, seeks information that is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence, and seeks highly confidential and proprietary information that cannot be adequately protected by a confidentiality agreement between the parties.

Interrogatory Number 12

ITC^DeltaCom objects to this Interrogatory on the ground that it seeks information regarding Issue Nos. 34 and 42, which have been settled by the parties. ITC^DeltaCom further objects on the grounds that this Interrogatory is unduly burdensome and

seeks information that is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory Number 20

ITC^DeltaCom objects to this Interrogatory on the ground that it seeks information that is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory Number 21

ITC^DeltaCom objects to this Interrogatory on the grounds that it seeks information that is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence; responding to this interrogatory would be unduly burdensome for ITC^DeltaCom; and the information sought is highly proprietary and has no bearing on the issues in this arbitration.

Interrogatory Numbers 22 through 71

The remainder of BellSouth's Interrogatories – Nos. 22 through 71 – are provided in a standard format. In each such Interrogatory, BellSouth restates an issue from ITC^DeltaCom's Petition for Arbitration and asks four identical subpart questions regarding the contentions of ITC^DeltaCom with respect to the identified issue.

ITC^DeltaCom objects to the following Interrogatories in the above-referenced range because they seek information regarding issues that have been settled or deferred by the parties: 28, 29, 30, 33, 34, 38, 39, 40, 41, 45, 46, 47, 48, 53, 54, 55, 56, 57, 63, 67, 70 and 71.

ITC^DeltaCom objects to Interrogatory No. 24 because it regards facility check information (Issue No. 6), which is provided by BellSouth already in Tennessee. Issue No. 6 therefore is not an issue for resolution in this arbitration.

ITC^DeltaCom objects to the identically stated subparts of Interrogatories 22, 23, 25, 26, 27, 31, 32, 35, 36, 37, 42, 43, 44, 49, 50, 51, 52, 58, 59, 60, 61, 62, 64, 65, 66, 68, and 69 as follows:

- (a) ITC^DeltaCom objects to these identically stated subparts as overbroad and unduly burdensome.
- (b) ITC^DeltaCom objects to these identically stated subparts as unduly burdensome and on the ground that they seek publicly available information. ITC^DeltaCom is not required to conduct research for BellSouth, nor is it required to restate or preview its legal arguments in discovery responses.
- (c) ITC^DeltaCom objects to these identically stated subparts as unduly burdensome and on the ground that they seek publicly available information. ITC^DeltaCom is not required to conduct research for BellSouth, nor is it required to restate or preview its legal arguments in discovery responses.
- (d) ITC^DeltaCom objects to these identically stated subparts to the extent BellSouth is requesting ITC^DeltaCom to provide or list documents that are already in BellSouth's possession, such as ITC^DeltaCom's Petition for Arbitration, any pre-filed testimony, or joint issues matrixes.

Request for Production of Documents Number 1

ITC^DeltaCom objects to this document request to the same extent it objected to the corresponding Interrogatories.

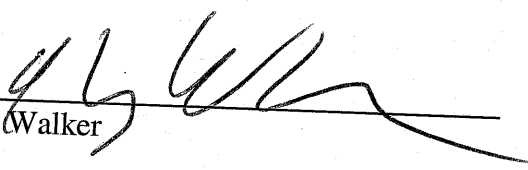
Respectfully submitted this 19th day of June, 2003.

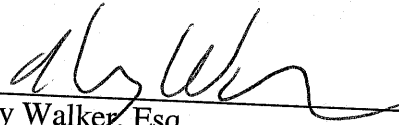
CERTIFICATE OF SERVICE

This is to certify that I have this day caused to be served by United States mail a copy of the within and foregoing, **ITC^DELTACOM COMMUNICATIONS, INC.'S ARBITRATION OBJECTIONS TO BELL SOUTH** upon the following person, properly addressed as follows:

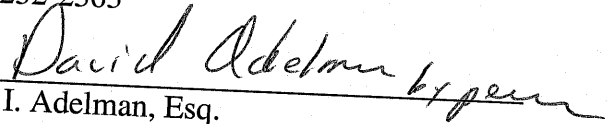
Guy M. Hicks
333 Commerce Street, Suite 2101
Nashville, TN 37201-3300

This 19th day of June, 2003.


Henry Walker



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